



Federal Communications Commission  
Washington, D.C. 20554

February 17, 2005

The Honorable Paul S. Sarbanes  
United States Senate  
309 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Sarbanes:

Thank you for your letter on behalf of your constituent, David Warshawsky. Mr. Warshawsky is concerned with recent proposals made by the Commission regarding the use of wireless telephones in airborne aircraft. Specifically, Mr. Warshawsky opposes action by the Commission that would permit such use.

On February 15, 2005, the Commission released a *Notice of Proposed Rulemaking (Notice)* in WT Docket No. 04-435 that proposes to relax the Commission's current ban on the use of 800 MHz cellular telephones in airborne aircraft, including airplanes. In 1991, the Commission adopted the current ban on the airborne use of cell phones out of concern that such use would interfere with terrestrial cellular networks. Since then, advances in technology appear to address the initial concerns of interference that warranted adoption of the ban. Consequently, the Commission believes that it may now be possible for the traveling public to use their cell phones while airborne without increasing the risk of interference to cellular systems on the ground.

Accordingly, in the *Notice*, the Commission proposes to relax the ban on the airborne use of cellular telephones so long as the phones are controlled by a "pico cell" installed onboard private or commercial aircraft that directs the handsets to operate at or near their lowest applicable power settings. It also seeks comment on the practicality of an industry-initiated solution that would enable use of airborne cellular units without the FCC having to mandate technical rules. Finally, the *Notice* seeks comment as to whether the Commission should allow licensees to provide 800 MHz cellular service to airborne wireless units on a secondary basis, subject to certain technical limitations that would ensure no interference to terrestrial operations. Publication of the *Notice* in the *Federal Register* is currently pending and we expect the comment period to begin in early spring of this year.

I hope that this information is helpful. Please contact me or Guy Benson, Mobility Division, Wireless Telecommunications Bureau, at 202-418-0620, if we can be of further assistance. Thank you for your interest in this matter. Your letter and this response will be placed in the record of this proceeding.

Very truly yours,

A handwritten signature in cursive script, reading "Linda C. Chang", is written over the typed name and title.

Linda C. Chang  
Associate Chief, Mobility Division  
Wireless Telecommunications Bureau